Remarks

Claims 1-19 remain canceled. Claims 20-38 are now pending.

Claims 20 and 21 are currently amended. Claims 37 and 38 have been added. Support for the amendments and the new claims can be found in the specification as originally filed, for example in paragraphs [0063], [0069] and [0070].

Claim rejections – 35 USC § 103

The Examiner rejects claims 20 and 26-27 under 35 USC § 103(a) as being obvious in view of Boyd (US 2002/0185423) having regard to Di Paolo (US 3,904,362).

Additionally, the Examiner rejects claims 28-30 under 35 USC § 103(a) as being obvious in view of Boyd having regard to Di Paolo, as applied with regard to claims 20 and 26-27, and having further regard to Dryer (US 6,135,279).

Further, the Examiner rejects claims 21-25 under 35 USC § 103(a) as being obvious in view of Boyd, as applied in claim 20, having regard to Di Paolo and Kasting (US 5,520,893).

Finally, the Examiner rejects claims 34-36 under 35 USC § 103(a) as being obvious in view of Boyd, as applied in claim 20, having regard to Di Paolo, as applied above, Dryer and Kasting.

In the rejections, the Examiner states that Boyd teaches a sanitizing container for use with a sanitizing base unit, but does not disclose the use of a removable item holder for mating with the outer container. However, the Examiner states that DiPaolo discloses a sanitizing container that has an removable inner holder. The Examiner argues that it would be obvious to use the removable inner holder taught by DiPaolo with the sanitizing container taught by Boyd in order to achieve the claimed invention.

Applicants respectfully disagree with the Examiner's analysis. With regard to Boyd, Applicants note that the reference teaches a recirculating flow of sanitizing solution from the container

(reservoir **64**) to the base **62** and filter cartridge **66** and back into the container (see col. 4, lines 64-66).

With regard to DiPaolo, Applicants submit that the reference teaches a sanitization system with a *non-recirculating* sanitizing solution. The sterilization of the items (toothbrushes) is achieved by soaking the items in a non-circulating liquid. In fact, the system of DiPaolo is taught to have "a compartmentalized fluid separating cup-shaped body and individual toothbrush holders for each compartment" (see the Abstract). The compartment walls are illustrated as elements 13 in Figure 1 and discussed in col. 3, lines 50-52, where DiPaolo states "[c]ompartment walls 13 are sealed to bottom 11 and sidewall 12 such that each compartment is fluid tight."

Applicants submit that the sanitization system of DiPaolo could not be readily adapted to a sanitization system having a recirculating flow of sanitization solution, since the fluid tight compartments taught by DiPaolo would inhibit the desirable mixing of the recirculating sanitization solution. Therefore, Applicants submit that a skilled reader would not combine a recirculating sanitizing system, such as the system taught by Boyd, with the teachings of DiPaolo.

Notwithstanding the arguments presented above with respect to whether a skilled person would combine the teachings of Boyd with the teachings of DiPaolo, Applicants submit that the claims, as presently amended, define subject matter that is not obvious in view of the cited references.

In the present application, a sanitizing system is disclosed where a sanitizing solution is recirculated between a base unit and a container. The container holds items to be sanitized. In paragraphs [0063], [0069] and [0070] of the application, it is disclosed that improved mixing of the recirculating sanitizing solution can be achieved by *imparting rotational flow of the sanitizing solution within the container*.

This rotational flow of the sanitizing solution encourages the contact between the sanitizing solution and the contaminated surfaces of the items. Absent a rotational flow of sanitizing

solution, the items may require a longer immersion time in the sanitizing solution in order to achieve a desired level of sanitization.

In view of the disclosure discussed above, claims 20 and 21 have been amended to recite that *the container is adapted to induce a rotational flow of the sanitizing solution within the container*, and that *the item holder holds the items in the rotational flow of the sanitizing solution*. Support for the amendment can be found in paragraphs [0069] and [0070] where it states:

> *"[t]he outer body may optionally incorporate one or more protrusions that are arranged radially and surround the outlet and the first and second valve stems. These protrusions may take the form of mounting bosses or flow diverters. In the case where the protrusions are flow diverters, these may be configured to impart a rotation motion to the fluid exiting around the second valve stem. In the case where the protrusions are mounting bosses, such mounting bosses are used to mount a removable cap to the outer body and over the first and second valve seats. In such an embodiment, the cap may contain flow diverters … , in which case the flow diverters contained in the cap create channels through which fluid will flow. The flow diverters may impart a rotation motion to the fluid."*

In contrast, Applicants submit that neither the Boyd reference nor the DiPaolo reference teach a *rotational flow of sanitizing solution within the container*, nor a *container adapted to induce such rotational flow*.

Applicants note that in Boyd, the valve assemblies **74** on the bottom of the spray bottle **64** are discussed from column 13, line 48, to column 14, line 39, of Boyd. However, Applicants submit that nowhere does Boyd teach that the ozonated water is imparted with a rotational flow. The only teaching that Boyd provides related to the valve assemblies is that the valve assemblies **74** on the bottom of the bottle are adapted to connect with the corresponding valve assemblies **78** located in the base unit and that the valve assemblies **74** on the bottom of the bottle automatically close when the bottle is removed from the base unit, thereby sealing the bottom of the spray bottle. Applicants emphasize that there is no teaching that the valve

assemblies, or any other portion of the spray bottle or carafe container **270** (see col. 15, lines 16-34), impart a rotational flow to the sanitizing solution entering the container.

Applicants additionally submit that DiPaolo teaches away from the presently claimed invention since the fluid tight compartments required by DiPaolo would prevent the rotational flow of sanitizing liquid within the container, as required by presently amended claims 20 and 21.

Applicants additionally submit that neither Kasting nor Dryer teach a sanitization system with a container that is adapted to impart a rotational motion to the sanitizing solution within the container and submit that no combination of Boyd, DiPaolo, Kasting and/or Dryer would teach the claimed invention.

In view of the discussion presented above, Applicants respectfully submit that the presently amended claims 20 and 21 are not obvious in view of the combination of Boyd and DiPaolo, and are also not obvious in view of the references having further regard to Kasting and/or Dryer.

Applicants submit that claims 20 and 21, as presently amended, comply with 35 USC § 103(a) and that claims 22-38 all ultimately depend from either claim 20 or claim 21 and include all their respective features and limitations. For this reason, Applicants submit that dependent claims 22-38 also comply with 35 USC § 103(a). Applicants request that the Examiner reconsider and withdraw the obviousness rejections to claims 20 and 26-27; claims 28-30; claims 21-25; and claims 34-36 raised under 35 USC § 103(a).

Applicants submit that the application is now in condition for allowance and look forward to receiving a Notice of Allowability.

The Commissioner is hereby authorized to charge any additional fees, and credit any over payments, to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

Respectfully submitted,

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